

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

ENTERED

HEB Grocery Company, LP,

Plaintiff,

versus

Todd Meagher, et al.,

Defendants.

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February 27, 2019
David J. Bradley, Clerk

Civil Action H-17-2810

Opinion on Damages

HEB Grocery Company, LP, is not seeking monetary damages. HEB says that it was injured – synonymous to damaged. Despite Todd Meagher’s attempt to construe the two words as equals, being damaged and seeking damages are distinctly different. There is damage and there are damages, and in ordinary legal recourse you can be damaged – a broken leg – and have damages – the cost of fixing the broken leg. An injury is a fact; seeking damages to compensate for that injury is a legal process.

In two largely repetitive questions, Meagher asks HEB about its “total amount” and “evidence of” damages. It is clear that HEB is not seeking damages – it is claiming that it has been injured as a predicate for its infringement claim.

Meagher’s request for partial summary judgment on damages will be denied.

Signed on February 27, 2019, at Houston, Texas.



Lynn N. Hughes
United States District Judge